

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MALIK ABDUL-MUHAMMAD, )  
et al., )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
GARY KEMPKER, et al., )  
 )  
Defendants. )

Case No. 4:04CV57 CDP


**MEMORANDUM AND ORDER**

This case has been remanded in light of the Supreme Court's holding in Jones v. Bock, 127 S. Ct. 910 (2007). Defendants shall file a notice with the Court no later than **July 17, 2007**, informing the Court as to whether they still seek to argue lack of exhaustion. If defendants do decide to pursue this defense, they must file a motion to dismiss no later than **July 24, 2007**. Plaintiff's response will be due no later than **August 21, 2007**, and any reply brief must be filed by **September 4, 2007**.

Accordingly,

**IT IS HEREBY ORDERED** that defendants shall file a notice with the Court no later than **July 17, 2007**, informing the Court as to whether they plan to

pursue a failure to exhaust defense. If so, their motion to dismiss shall be filed no later than **July 24, 2007**. Plaintiff's response is due by **August 21, 2007**, and any reply brief from defendants by **September 4, 2007**.

  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 28th day of June, 2007.